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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,163	12/22/1999	DAVID M. PUTZOLU	81674-264193	5845

7590 10/03/2002

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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 10/03/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,163

Applicant(s)

PUTZOLU ET AL.

Examiner

Quang N. Nguyen

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 1999 and 16 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to the Application No. 09/470163 filed on 12/22/1999, the Notice of File Missing Parts filed on 02/02/2000, the Response filed on 03/28/2000, the Request for Corrected Filing Receipt filed on 04/23/2000, and the IDS files on 07/16/2001.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (US 6,434,618), herein after referred as Cohen, and in view of Ramaswamy et al. (US 6,424,621), herein after referred as Ramaswamy.

Referring to claim 1, Cohen discloses a computer system comprising a forwarding element (router) adapted to perform data forwarding in a computer network; an interconnecting element operatively connecting the forwarding element to the control element; and a forwarding element plugin integrated with the control element (programmable network element/gateway) for receiving the standardized data set from the control element, translating the standardized data set into a specialized data set, and transmitting the specialized data set to the forwarding element to

configure the forwarding element, wherein the forwarding element utilizes the specialized data set to configure the forwarding element for performing data forwarding in the computer network (see Cohen, Figs. 1-4 and respective portions of the specification, C2: L5-36, C3: L30-67, C4: L1-65, C11: L25-67, C12, and C13: L1-34). However, Cohen does not expressly disclose a control element adapted to perform network signaling and control in the computer network, wherein the control element is adapted to generate a standardized data set for configuring the forwarding element. In the related art, Ramaswamy discloses a computer system comprising a control element adapted to perform network signaling and control in the computer network, wherein the control element is adapted to generate a standardized data set for configuring the forwarding element (see Ramaswamy, Figs 1-7 and respective portions of the specification, C3: L9-50, C6: L25-48, C7: L1-24, and C10: L20-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify and combine the computer systems of Cohen and Ramaswamy so as to obtain the claimed invention since such methods/techniques were conventionally employed in transferring data packets between computer networks in which a software interface is defined between the switching module and the operating system for transferring data packets there between.

Referring to claim 2, Cohen discloses the computer system as in claim 1 above, further including an opaque forwarding element plugin (the dispatcher process 402) for receiving the standardized data set from the control element and transmitting the standardized data set to the forwarding element plugin, and for receiving the specialized data set from the forwarding element plugin and transmitting the specialized data set to the forwarding element (see Cohen, Fig. 4 and respective portion of the specification, C4: L14-38, C5: L40-67, and C6: L1-27).

Referring to claim 3, Cohen-Ramaswamy discloses the computer system as in claim 1 above, but does not expressly disclose wherein the specialized data set is a binary large object. However, as generally known in the art, a Binary Large Object (BLOB) is a variable-length data type that is commonly used to store complex data, such as graphics images, video/audio data, and other non-textual data. Therefore, Cohen-Ramaswamy inherently teaches the specialized data is a binary large object (see Cohen, C3: L30-67 and C4: L1-6).

Referring to claim 6, Cohen-Ramaswamy discloses the computer system as in claim 1 above, wherein the specialized data set is encrypted before transmission to the forwarding element, and the encrypted specialized data set is decrypted at the forwarding element (see Cohen, C3: L49-52, and C4: L57-62).

Referring to claim 7, Cohen-Ramaswamy discloses the computer system as in claim 1 above, wherein the forwarding element plugin is a dynamic link library (see Cohen, C6: L28-50).

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen-Ramaswamy as applied to claim 1 above, and further in view of Beighe et al. (US 5,742,607), herein after referred as Beighe.

Referring to claims 4 and 5, Cohen-Ramaswamy discloses the computer system as in claim 1 above, but does not expressly disclose wherein the forwarding element further includes a decapsulator that receives the specialized data set and decapsulates the specialized data set into data readable by a device-specific forwarding element interface of the forwarding element to configure the forwarding element. In the related art, Beighe discloses a computer system comprising a central processor, a forward channel interface, a return channel interface, and a

main memory, each being coupled to a bus, wherein the forwarding element further includes a decapsulator that receives the specialized data set and decapsulates the specialized data set into data readable by a device-specific forwarding element interface of the forwarding element to configure the forwarding element (see Beighe, Fig. 3 and respective portion of the specification, C2: L24-48 and C8: L10-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify and combine the computer systems of Cohen-Ramaswamy and Beighe so as to obtain the claimed invention since such methods/techniques were conventionally employed in packet manipulation to control two way communication in network management system.

5. Referring to claims 8-16, the method of claims 8-16 is similar to the computer system of claims 1-7 in their limitations. Thus, the method of claims 8-16 is considered for the reasons as stated in the discussions of claims 1-7 above.

6. Referring to claims 17-21, the software program of claims 17-21 is similar to the computer system of claims 1-7 in their limitations. Thus, the software program of claims 17-21 is considered for the reasons as stated in the discussions of claims 1-7 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2152

The following patents are cited to further show the state of the art with respect to operating and network independent application program interface for use in an intelligent communication device in general:

U.S. Pat. No. 5,758,194 to Kuzma.

U.S. Pat. No. 6,115,747 to Billings et al.

U.S. Pat. No. 6,243,711 to Wu et al.

U.S. Pat. No. 6,393,496 to Schwaderer et al.

U.S. Pat. No. 6,401,132 to Bellwood et al.

8. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.



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